

Newport Beach Planning Commission Agenda Item 2 (6/6/13)

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Item No. 2 Review of Preliminary Fiscal Year 2013-2014 Capital Improvement Program (PA2007-131).

As I understand the staff report, this item is being heard pursuant to California Government Code Section 65401, which is reproduced below.

Having attempted to read Section 65401, I have two concerns:

1. It appears to me that the list of proposed public works to be reviewed for conformity with the City's adopted general plan is supposed to include *all* proposed projects involving work within the City limits, not just those funded by the City. I do not believe the Planning Commission has before it such a full, coordinated list.
2. Although the staff report cites sections from the General Plan that each listed project is *consistent* with, that does not, to my mind, establish that the project could not be *inconsistent* with some other aspect of the General Plan, and therefore not in conformity with it.

I hope the Commission will ask that future CIP lists include projects proposed to be undertaken by *other agencies* (Caltrans, OCSD, CMSD, IRWD, and NMUSD are just a few that come to mind) and will carefully consider if each listed project, including those funded by the City, might be *inconsistent* with some provision of the General Plan *not* listed in the staff report. That would seem to me to be the task set forth by Section 65401.

California Government Code

65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof. (*Amended by Stats. 1970, Ch. 1590.*)